

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAMION NEVILLS,

Case No. 18-12200

Plaintiff,

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

v.

JONATHAN HILDRETH,

U.S. MAGISTRATE JUDGE
DAVID R. GRAND

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [28]; GRANTING IN PART
AND DENYING IN PART DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [12]**

On July 13, 2018, Plaintiff Damion Nevills filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983 against Defendant Jonathan Hildreth, a Corrections Officer of the Michigan Department of Corrections (“MDOC”). Defendant filed a Motion for Summary Judgment [12] on March 1, 2019. Plaintiff filed a Response [26] on December 6, 2019. Defendant filed a Reply [27] on December 19, 2019.

On December 23, 2019, the Magistrate Judge issued a Report and Recommendation (“R&R”) [28] recommending that the Court grant in part and deny in part Defendant’s Motion for Summary Judgment [12] without prejudice and allow

Defendant “to file a renewed summary judgment motion supported by appropriate evidence.” R&R at 12. Neither party having filed an objection to the R&R and the Court having reviewed the record, the R&R [28] is hereby **ADOPTED** and entered as the findings and conclusions of the Court. On February 6, 2020, Defendant filed a Renewed Motion for Summary Judgment [31].

Accordingly,

IT IS ORDERED that Defendant’s Motion for Summary Judgment [12] is **GRANTED IN PART AND DENIED IN PART WITHOUT PREJUDICE.**

SO ORDERED.

Dated: February 12, 2020

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge